

FISCAL NOTE

HB 3068 - SB 3120

March 14, 2002

SUMMARY OF BILL: Specifies that petitioner seeking post-conviction relief as a result of a plea agreement is deemed to have waived all issues known to petitioner at time of plea unless reserved by the petitioner.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Net Impact - Exceeds \$100,000

Estimate assumes:

- some decrease in state expenditures as a result of reduced hearing time for post conviction petitions to make a determination if the defendant knew of the issues and waived the right in the plea agreement. If the issues were known, the petition would be dismissed. Some post conviction petitions will proceed.
- upon being barred from a post conviction procedure, there will be an increase in the number of writs for habeas corpus relief. Habeas corpus petitions must be filed in the county where the defendant is incarcerated resulting in additional travel cost and staff time involving such petitions and additional court resources in those counties having prisons.
- the net impact upon all judicial resources is estimated to be an increase in state expenditures exceeding \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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